

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 27**

Introduced by Pahls, 31.

Read first time January 8, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Autism Treatment Program Act; to  
2 amend sections 85-1,139, 85-1,140, and 85-1,141, Reissue  
3 Revised Statutes of Nebraska, and section 71-7611,  
4 Revised Statutes Cumulative Supplement, 2008; to change  
5 provisions relating to the Autism Treatment Program Fund  
6 and administration of the Autism Treatment Program as  
7 prescribed; to repeal the original sections; and to  
8 declare an emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-7611, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-7611 (1) The Nebraska Health Care Cash Fund is  
4 created. The State Treasurer shall transfer (a) fifty-six million  
5 four hundred thousand dollars no later than July 30, 2008, and  
6 (b) fifty-five million seven hundred thousand dollars annually  
7 thereafter no later than July 15 from the Nebraska Medicaid  
8 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
9 Trust Fund to the Nebraska Health Care Cash Fund, except that such  
10 amount shall be reduced by the amount of the unobligated balance  
11 in the Nebraska Health Care Cash Fund at the time the transfer is  
12 made. On or before May 1, 2008, the State Treasurer shall transfer  
13 from the Nebraska Medicaid Intergovernmental Trust Fund and the  
14 Nebraska Tobacco Settlement Trust Fund an additional two hundred  
15 fifty thousand dollars to the Nebraska Health Care Cash Fund.  
16 The state investment officer upon consultation with the Nebraska  
17 Investment Council shall advise the State Treasurer on the amounts  
18 to be transferred from the Nebraska Medicaid Intergovernmental  
19 Trust Fund and from the Nebraska Tobacco Settlement Trust  
20 Fund under this section in order to sustain such transfers in  
21 perpetuity. The state investment officer shall report to the  
22 Legislature on or before October 1 of every even-numbered year on  
23 the sustainability of such transfers. Except as otherwise provided  
24 by law, no more than the amount specified in subdivisions (1)(a)  
25 and (b) of this subsection may be appropriated or transferred from

1 the Nebraska Health Care Cash Fund in any fiscal year.

2 (2) Any money in the Nebraska Health Care Cash Fund  
3 available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the  
5 Nebraska State Funds Investment Act.

6 (3) One million dollars in the Nebraska Health Care Cash  
7 ~~Fund is designated~~ shall be transferred each year for to the Autism  
8 ~~Treatment Program Act~~ Cash Fund for five fiscal years beginning in  
9 fiscal year ~~2007-08~~ 2009-10 and shall be distributed with matching  
10 private funds from the Autism Treatment Program Cash Fund and  
11 matching funds from Title XIX of the federal Social Security Act  
12 in each fiscal year as follows: (a) First, to the Department of  
13 Health and Human Services for costs related to application, and  
14 implementation, and nonclinical administration of the a waiver  
15 pursuant to section 85-1,142; (b) second, to the department for  
16 other medical costs for children who would not otherwise qualify  
17 for medicaid except for the waiver; and (c) third, the balance to  
18 fund services under the Autism Treatment Program as described in  
19 section 85-1,140. Cash Fund. ~~The State Treasurer shall transfer the~~  
20 ~~balance of the funding to the Autism Treatment Program Cash Fund~~  
21 ~~based on the estimated costs of administrative and other medical~~  
22 ~~costs as determined by the Legislature through the appropriation~~  
23 ~~process. The transfers to the Autism Treatment Program Cash Fund~~  
24 ~~in any fiscal year shall be contingent upon the receipt of private~~  
25 ~~matching funds under the Autism Treatment Program Act, with no less~~

1 than one dollar of private funds received for every two dollars  
2 transferred from the Nebraska Health Care Cash Fund to the Autism  
3 Treatment Program Cash Fund.

4 (4) The University of Nebraska and postsecondary  
5 educational institutions having colleges of medicine in Nebraska  
6 and their affiliated research hospitals in Nebraska, as a condition  
7 of receiving any funds appropriated or transferred from the  
8 Nebraska Health Care Cash Fund, shall not discriminate against any  
9 person on the basis of sexual orientation.

10 (5) The State Treasurer shall transfer two hundred  
11 thousand dollars from the Nebraska Health Care Cash Fund to the  
12 University of Nebraska Medical Center Cash Fund for the Nebraska  
13 Regional Poison Center within fifteen days after each July 1.

14 Sec. 2. Section 85-1,139, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 85-1,139 The purposes of the Autism Treatment Program Act  
17 are to (1) create the Autism Treatment Program administered with  
18 clinical administration by the Center for Autism Spectrum Disorders  
19 at the University of Nebraska Medical Center and (2) provide for  
20 the development of a waiver or an amendment to an existing waiver  
21 under the medical assistance program established in section 68-903  
22 with nonclinical administration by the Department of Health and  
23 Human Services.

24 Sec. 3. Section 85-1,140, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           85-1,140 (1) The Autism Treatment Program is created.  
2 The clinical program shall be administered by the Center for  
3 Autism Spectrum Disorders at the University of Nebraska Medical  
4 Center. The program shall provide or coordinate the provision of  
5 statewide intensive early intervention services based on behavioral  
6 principles for children with a medical diagnosis of an autism  
7 spectrum disorder or an educational verification of autism.

8           (2) The Department of Health and Human Services shall  
9 enter into an interagency agreement with the University of Nebraska  
10 Medical Center. This interagency agreement shall specify clinical  
11 administrative responsibilities, in addition to the provision of  
12 services, that the Center for Autism Spectrum Disorders shall have  
13 in the clinical administration of the Autism Treatment Program.  
14 The clinical administrative responsibilities of the center shall be  
15 reimbursed by the department and shall include:

16           (a) Development of standards for service providers for  
17 use by the department to credential providers;

18           (b) Evaluation of appropriateness of treatment plans and  
19 outcome objectives, quality of services provided, and progress  
20 toward treatment goals;

21           (c) Receipt, processing, and eligibility determination  
22 of applications for autism waiver services, excluding medicaid  
23 eligibility determination and maintenance of electronic files  
24 normally performed by the department;

25           (d) Reporting to the department on waiver participant

1 outcomes;

2 (e) Complaint documentation and remediation and incident  
3 documentation and referral to the department; and

4 (f) Assisting the department in the appeals process.

5 (3) The program shall utilize private funds deposited in  
6 the Autism Treatment Program Cash Fund and funds transferred by the  
7 Legislature from the Nebraska Health Care Cash Fund to the Autism  
8 Treatment Program Cash Fund. Transfers from the Nebraska Health  
9 Care Cash Fund in any fiscal year shall be contingent upon the  
10 receipt of private matching funds for such program, with no less  
11 than one dollar of private funds received for every two dollars  
12 transferred from the Nebraska Health Care Cash Fund. Transfers from  
13 the Nebraska Health Care Cash Fund under this section and section  
14 71-7611 No donations from a provider of services under Title XIX of  
15 the federal Social Security Act shall be deposited into the Autism  
16 Treatment Program Cash Fund. The Autism Treatment Program Cash Fund  
17 shall be utilized as the state match for the waiver established  
18 under section 85-1,142 upon the approval of such waiver.

19 Sec. 4. Section 85-1,141, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 85-1,141 The Autism Treatment Program Cash Fund is  
22 created. The fund shall include revenue transferred from the  
23 Nebraska Health Care Cash Fund and revenue received from gifts,  
24 grants, bequests, donations, or other contributions from public  
25 or private sources. ~~The Autism Treatment Program Cash Fund shall~~

1 be administered by the Center for Autism Spectrum Disorders at  
2 the University of Nebraska Medical Center for purposes of the  
3 Autism Treatment Program created in section ~~85-1,140~~. The Autism  
4 Treatment Program Cash Fund shall be used as the state's matching  
5 share for the waiver established under section 85-1,142 and for  
6 expenses incurred in the administration of the program. Any money  
7 in the fund available for investment shall be invested by the state  
8 investment officer pursuant to the Nebraska Capital Expansion Act  
9 and the Nebraska State Funds Investment Act.

10           Sec. 5. Original sections 85-1,139, 85-1,140, and  
11 85-1,141, Reissue Revised Statutes of Nebraska, and section  
12 71-7611, Revised Statutes Cumulative Supplement, 2008, are  
13 repealed.

14           Sec. 6. Since an emergency exists, this act takes effect  
15 when passed and approved according to law.